

REMARKS

This Amendment and Response is intended to fully respond to the Final Office Action dated July 13, 2007. Claims 6, 8-18, and 26-34 were examined and all were rejected. Specifically, claims 6, 8, and 26-34 were examined and all were objected to because of informalities. Further, claims 6, 8-18, and 26-34 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,029,955 to Major et al. (hereinafter, “Major”). Reconsideration of these objections and rejections, as they might apply to the original and amended claims in view of these remarks, is respectfully requested.

In this Response, claims 6, 8, 10-18, and 26-34 have been amended. These amendments were made to improve form only in response to the Examiner’s objections to these claims. No other amendments have been made, and no claims have been added or cancelled. Claims 1-5 and 7 remain cancelled, and claims 19-25, previously withdrawn by the Examiner, remain cancelled.

Objections to Drawings

According to the Final Office Action dated July 13, 2007, the Examiner’s previous objection to the drawings has been withdrawn. *Office Action, Detailed Action, 7/13/2007* at 2. The Applicants thank the Examiner for withdrawing this objection.

Claim Objections

Claims 6, 8, and 26-34 were objected to because of informalities as follows:

Amended claim 6 mentions, ‘storage medium executable by a computer and encoding’, which should be --storage medium of a computer encoding-- (Note: storage medium itself cannot be executable by the computer. Claims 8, 26-34 depend upon claim 6 and include limitations of claim 6 and hence are objected).

Office Action, Detailed Action, 7/13/2007, at 2.

Claim 6 has been amended to read: “A storage medium of a computer encoding instructions” Corresponding amendments have been made to dependent claims 8 and 26-34. As noted, these amendments were made for purposes of improving form only. In light of these amendments, the Applicants respectfully request reconsideration of the objections to claims 6, 8, and 26-34.

Claim Rejections -- 35 U.S.C. § 102(e)

Claims 6, 8-18, and 26-34 were rejected under 35 U.S.C. § 102(e) as being anticipated by Major. The Applicants respectfully traverse these § 102(e) rejections because the Examiner has failed to state a *prima facie* case of anticipation. A *prima facie* case of anticipation can be met only where the reference teaches each and every aspect of the claimed invention. *See* MPEP §§ 706.02 & 2136.

An embodiment of the present invention, as defined in the claims, provides for the control of user notifications for different *environments* through the use of customized notification profiles. A small computer device may be set to a predetermined mode, wherein a “mode” refers to a particular type of environment, or “situational environment” or “expected environment.” Examples of modes include, but are not limited to, “meeting,” “outside,” “normal,” “off,” and “silent.” In accordance with embodiments of the present invention, a notification profile stored in the memory system of the small computer device is associated with each mode. For example, a “meeting” mode may be associated with a “meeting” profile. Each profile is comprised of information relating to notification event(s) and to a corresponding notification type(s) for each notification event. Thus, the particular notification profile maintains a listing of the various notification events and the notification types, *e.g.*, vibration, sound, flashing light, displaying message, etc., associated with each event.

While embodiments of the present invention provide for profiles associating certain notification types with certain notification events based on the user’s *environment*, or mode, *e.g.*, outside, inside, meeting, etc., Major nowhere teaches such profiles or modes based on the environment, situational or expected. Major simply teaches the configuration of a redirector program for “pushing,” or redirecting, certain data items to a user’s mobile data communication device from a host system. Col. 8: 47-51. Major pushes certain data items to the user’s device based on items pre-selected by the user. *Id.* Major thus involves a method and system for *filtering the types* of data items that the user wants to receive at his/her mobile device. For example, Major describes a “preferred list mode” which “causes the redirector program 12 to operate like a filter, only redirecting certain user data items based on whether the data item was sent from a sender on the preferred list or has certain message characteristics that if present will trigger or suppress redirection of the message.” Col. 9: 64 - 10: 2. Accordingly, Major teaches a method and system for controlling the transmittal of data items from a host system to a mobile

device. With this system and method, data items may be transmitted, suppressed altogether, or truncated so that only portions are transmitted to the user's mobile device. *See, e.g.*, col. 8: 59-62. Embodiments of the present invention, on the other hand, are not concerned with limiting or controlling the amount or type of data actually transmitted to the user. Rather, embodiments of the present invention, as claimed, allow the data through to the user but control the way that the user is notified that the data is present based on the user's environment.

Major's teaching is thus entirely distinct from the present invention's claimed use of profiles and setting of the small computer device into a certain notification mode to reflect the environment of the user and appropriate notification events and types associated therewith. At a minimum, Major nowhere teaches claim 6's "storing two or more notification profiles for each of one or more users, such that each notification profile is assigned a predetermined notification mode from a selection of one or more notification modes . . ." *See Claim 6*. Similarly, at a minimum, Major fails to teach claim 9's "storing a plurality of notification profiles for each of one or more users, such that each notification profile is assigned a predetermined notification mode . . ." *See Claim 9*. Major nowhere discusses profiles based on the environment or setting the mobile device into a certain mode to reflect the environment of the user and to thus control the types of notifications received for certain notification events. Instead, Major focuses only on the type of event and whether certain events are routed to the user's mobile device in the first instance. Major thus fails to teach the present invention's claimed higher layer of profiles/modes based on the user's environment for associating certain notification events with certain notification types. Col. 12: 25-66. Major's discussion of alert types nowhere discloses alert types based on the user's environment and a predetermined profile for such environment.

Further, while Major discloses "notification scheme(s)," col. 11: 42, these notification schemes relate not to the environment of the user but, rather, to the type of data item which the user desires to have routed to his/her mobile device. For example, Major states that "a first notification scheme may apply only to meeting requests from a certain group of individuals, while a second notification scheme may apply only to the failure of any data items transmitted from the mobile. A third notification scheme may apply to email messages from a certain sender." Col. 11: 41-48. While Major mentions "meeting requests," this is not the same as the present invention's claimed "meeting environment" where, for example, the user enters a physical meeting and selects the "meeting" mode to control the volume level, for example, of the

notification events he/she receives. Major’s “meeting requests” are data items in and of themselves and are not related to the user’s situational or expected environment. Major thus nowhere teaches selecting a notification mode based on the user’s environment.

While the Examiner points to “usage of predetermined priority levels, regular versus very important and predetermined alert types, audible, visual, vibrate, etc assigned to the notification profiles, figure 6, col., 12, lines 25-65)” *Office Action, Detailed Action, 7/13/2007* at 4, as teaching the present invention’s claimed profiles and modes, the sections cited provide no such teaching. According to embodiments of the present invention, “Profiles are created of the various events, wherein each profile relates to a different mode or situational environment, such as a meeting environment, an office or normal environment, a louder outside-type environment, etc.” *Specification, 3: 21-23.* The cited sections in Major, on the other hand, nowhere teach such profiles or modes. Indeed, the Examiner’s reference to Major’s priority levels shows the differences, not the similarities, between Major and the present invention. Major’s priority rankings control *if and/or when* the data item is transmitted from the host system to the mobile device: “[T]he user is prompted as to the priority ranking the data item must have before the alert is executed.” Col. 12: 38-40. Major does not teach *how* the user is notified of a certain event based on the user’s environment. The priority rankings cited by the Examiner have nothing to do with the situational or expected environment of the present invention’s modes and profiles. For example, it would not make sense to add “very important environment” to the examples of modes provided in accordance with embodiments of the present invention, e.g., “meeting environment, an office or normal environment . . .” Accordingly, Major fails to disclose each and every aspect of claims 6 and 9 and thus fails to anticipate the present invention under § 102(e).

For at least the aforementioned reasons, the Applicants respectfully request reconsideration of the rejections to claims 6 and 9 in view of Major as these claims are believed to recite the present invention in a manner which is patentably distinguishable over Major. In addition, claims 8, 10-18, and 26-34 are also believed to be patentable over Major as these claims depend from the allowable base claims 6 and 9.

Conclusion

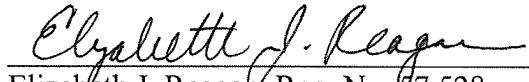
This Amendment and Response fully responds to the Office Action mailed on July 13, 2007. It is recognized that the Office Action may contain arguments and rejections that are not directly addressed by this Amendment and Response due to the fact that they are rendered moot in light of the preceding arguments in favor of patentability. Hence, the failure, if any, of this Amendment and Response to directly address an argument raised by the Examiner should not be interpreted as reflecting the Applicants' belief that such argument has merit. Furthermore, the claims of the present application may include other elements, not discussed in this Amendment and Response, which are not shown, taught, or otherwise suggested by the art of record. Accordingly, the preceding arguments in favor of patentability are advanced without prejudice to other bases of patentability.

It is believed that no further fees are due with this Amendment and Response. However, the Commissioner is hereby authorized to charge any deficiencies or credit any overpayment with respect to this patent application to deposit account number 13-2725.

In light of the above remarks and amendments, it is believed that the application is now in condition for allowance, and such action is respectfully requested. Should any additional issues need to be resolved, the Examiner is requested to telephone the undersigned to attempt to resolve those issues.

Respectfully submitted,

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